

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:24-cv-00186

Johnny Lee Evans,
Petitioner,

v.

Bobby Lumpkin et al.,
Respondents.


ORDER

Petitioner Johnny Lee Evans Sr., a prisoner of the Texas Department of Criminal Justice proceeding pro se, filed this habeas petition. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b).

On September 30, 2024, the magistrate judge issued a report recommending that this case be dismissed without prejudice due to petitioner's failure to comply with the court's orders and to satisfy the fee requirement. Doc. 15. A copy of that report was mailed to petitioner, who received it on October 9, 2024, and did not file written objections. Doc. 16. Further, petitioner has expressed a desire not to prosecute this action. Doc. 11.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. This case is dismissed without prejudice for failure to comply with the court's orders and to satisfy the fee requirement. Any pending motions are denied as moot.

So ordered by the court on January 30, 2025.



J. CAMPBELL BARKER
United States District Judge